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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY WILSON,

Defendant and Appellant.

E049332

(Super.Ct.No. INF065941)

OPINION

APPEAL from the Superior Court of Riverside County. Thomas N. Douglass, Judge. (Retired judge of the Riverside Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Patrick E. DuNah, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Larry Wilson, represented by counsel, pled guilty to one count of petty theft with a prior (Pen. Code, §§ 484, 666) and admitted that he had suffered two prior prison terms (Pen. Code, § 667.5, subd. (b)). In return, the remaining

count was dismissed and the prior allegations were stricken. Defendant was sentenced to the stipulated term of four years in state prison, with credit for time served. Defendant appeals from the judgment. His notice of appeal challenges the sentence or other matters occurring after the plea.

I

FACTUAL AND PROCEDURAL BACKGROUND

On or about May 26, 2009, defendant took a bottle of tequila from a retail store, which did not belong to him and without the retail store's permission.

On May 29, 2009, a felony complaint was filed charging defendant with one count of petty theft with a prior (Pen. Code, §§ 484, 666) (count 1) and possession of a drug paraphernalia (Health & Saf. Code, § 11364) (count 2). The complaint further alleged that defendant had suffered eight prior prison terms. (Pen. Code, § 667.5, subd. (b).)

On July 31, 2009, defendant pled guilty to count 1 and admitted he had suffered two prior prison terms. At the change of plea hearing, the court reviewed the plea form with defendant and asked defendant whether he read the form before he signed it and whether he understood the form. Defendant replied in the affirmative. In the plea form, defendant initialed the sections concerning his advisement of rights, his statements, and the applicable portions of the consequences of pleading guilty. The court also asked defendant whether he had any questions about the plea, the rights he was waiving, or the consequences of pleading guilty. Defendant replied, "No, sir." After asking defendant whether he took property from the retail store without permission on May 26, 2009, and after defendant admitted his two prior prison terms, the court found a factual basis for the

plea and the admissions. The court also found that defendant freely, voluntarily, and knowingly entered the plea.

On August 6, 2009, defendant was sentenced pursuant to the plea agreement to the stipulated term of four years in state prison as follows: the middle term of two years for the petty theft with a prior, plus one year each for the prior prison term allegations. The remaining count was dismissed and prior allegations were stricken. Defendant was awarded 109 days of credit for time served.

On September 22, 2009, defendant filed a notice of appeal based on the sentence or other matters occurring after the plea. In his request for a certificate of probable cause, defendant claimed that upon researching the law in the law library, his prior felony convictions should not have been used “in plea bargains,” according to Penal Code Section 1192.7. He further asserted that he possibly had a “*Romero Act*.”¹ His request for certificate of probable cause was granted.

II

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court undertake a review of the entire record.

¹ *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error.

The record shows defendant was thoroughly advised of his rights being waived and the consequences of pleading guilty. There is substantial evidence to support the trial court's finding that the plea was knowing, intelligent, and voluntary.

In addition, the sentence was authorized and was imposed in accordance with the terms of the plea agreement. (Pen. Code, §§ 484, 666, 667.5, subd. (b).)

We have completed our independent review of the record and find no arguable issues.

III

DISPOSITION

The judgment is affirmed.

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RICHLI
J.

We concur:

McKINSTER
Acting P. J.

MILLER
J.